

REMARKS

Applicants wish to thank Examiner Hussain and Examiner Nguyen for the courtesy of a personal interview granted to the undersigned applicants' representative on October 27, 2009. At the interview, applicant's representative discussed the limitations of claim 10 regarding later processing of a message if the condition has not been fulfilled and managing a table indicating processing states of messages in the chain and updating the table when a message member of the chain is successfully processed. Also discussed were Fig. 5 and col. 7, lines 30-56 of Deiss, which applicant argued did not disclose storing a message with a condition that has not been fulfilled for later processing when the condition is fulfilled. Finally, Ex. Hussain mentioned that he would review the claims for compliance with 35 U.S.C. § 101, and might contact the undersigned applicant's representative if any such issues were found. Applicant's representative reiterated that he would be happy to discuss this issue or any other issue with the examiner at any time. Applicant's representative believes that agreement was reached that the aforementioned features were not found in either Deiss and that the currently pending rejection would therefore be withdrawn upon submission of a written response to the latest office action. Accordingly, applicants submit the following remarks.

*Rejections Under 35 U.S.C. § 103*

Claims 1, 3-10, 12-16 and 18 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Deiss and Khan. This rejection is respectfully traversed for the reasons set forth below.

Independent claim 10 requires a subscriber unit with a subscriber database located in a security module that is adapted to perform the steps of "if the received message is subject to a condition, determine whether the condition has been fulfilled" and "*if the condition has not*

*fulfilled, locally storing said message and later processing the message when the condition is fulfilled*" and independent claim 1 includes similar limitations. This latter step of storing a message with a condition that has not been fulfilled and then later processing the message when the condition has been fulfilled is not disclosed or suggested by either Deiss, Khan or their combination. The office action relies on Deiss at col. 5, lines 1-31 for this teaching. However, this passage discloses the opposite. Col. 5, lines 22-23 state that "If a match [of the conditional access code in the message and the conditional access code assigned to the receiver] is not detected, *the payload is not accepted by the specific receiver.*" This passage is similar to the passage discussed at col. 7, lines 31-55, which refer to Fig. 5. This passage discloses that multiple different conditions in the header are checked (i.e., whether various groups of 4 bytes match filter a subscriber specific conditional access code or contain all zeroes). If none of these different conditions are fulfilled, Deiss discloses at col. 7, lines 49-51 "a write enable is not generated and the process waits {300} for the next packet." Not generating the write enable means that the message is not stored in a memory for later processing. Col. 8, lines 11-10. Thus, Deiss does not disclose or suggest storing a message in a memory after a first check indicates that the condition has not been fulfilled until such time as the condition is fulfilled -- he describes the opposite, namely, rejecting the payload if the condition is not satisfied on the first check of the condition.

Claim 10 also requires a "subscriber unit" that is adapted to "manage a table containing information representing a processing state of each member of the chain" "determine from said table which message members of the chain have already been processed" and "*updating said table when a message member of said chain is successfully processed.*" Claim 1 includes similar limitations. The office action at page 7 cites Deiss at col. 1, lines 40-45 for this teaching.

Applicants simply do not understand this assertion because nothing in this passage has anything to do with updating any table in the subscriber unit, much less updating a table that indicates the processing state of each message member in a chain of messages when one of the messages is processed as required by claim 10.

The simple fact is that Deiss has no such table representing a processing state because Deiss' system does not maintain a processing state – once Deiss' system performs its check of the payload header, Deiss' system either processes the data or discards it. No table is kept in Deiss that indicates whether or not any particular message has been processed; indeed, there is no table of messages of any kind in Deiss.

Applicants further note the assertion at page 7 of the office action that the step of managing a table containing information representing a processing state of each member of the chain" is disclosed in Deiss at col. 8, lines 11-20. This passage discusses determining whether the access code is present in the header of a payload in a message before the payload is written into memory. The assertion in the office action seems to be that the data in the payload header is the table of claim 10. If that is indeed the assertion, then this assertion fails because this data is never updated as required by claim 10 – the data in the payload header is set at the head end and only read – not updated - at the subscriber unit. To the extent that the office action alleges that the list of access codes stored in the matched filter 30 is the table of claim 10, applicants respectfully submit that this assertion also fails because the table of filter data in the matched filter 30 does not "include information representing a processing state of each member of the chain" as required by claim 10. The data in the matched filter 30 simply indicates which access codes the system will accept for processing – it does not indicate anything about the processing state (e.g., whether or not the message has been processed) of any particular message as required

by claim 10. In other words, one cannot examine the table in the filter and determine what processing has been performed for any particular message - any particular message in a chain might have been processed and discarded earlier, or might be awaiting processing. One simply cannot tell which is the case from an examination of the data in the filter. Indeed, the values in the filter are set without reference to any particular message and are not changed as particular messages are processed – therefore, these filter values cannot indicate anything about the processing state of any particular message in a chain as required by claims 1 and 10.

Claim 10 also requires “a conditional block indicating . . . the management message member associated with the conditional block is to be processed with reference to all or part of other message members of the chain.” Claim 1 includes a similar limitation. The office action admits at pages 7-8 that Deiss does not disclose this limitation but relies on Khan at col. 4, lines 7-23 and col. 5, lines 45-62 for this limitation. The cited passages of Khan discuss the concept of new and retransmitted data and a mechanism for a receiver to request the retransmission of data that was not correctly received. However, nothing in the header field that indicates whether a particular message includes new data or retransmitted data has any bearing on whether or not the message is to be processed with or without reference to all or part of other messages in the chain as required by claim 10. Indeed, the indication of new or retransmitted data by definition refers only to that packet/message, not any other packet or message. The headers of the packets in Khan also contain sequence numbers that simply identify the packets so that the receiver can request the retransmission of a packet that is not correctly received. Nothing about any sequence number indicates whether any packet is processed with or without reference to any other packet is required by claims 1 and 10.

For the reasons discussed above, there are several limitations from claims 1 and 10

missing from Deiss and Khan. Accordingly, claims 1 and 10 are not obvious over the combination of Deiss and Khan as discussed at the aforementioned interview. Withdrawal of the rejections of claims 1 and 10 is therefore respectfully requested. Claims 2-9, 12-16 and 18 depend from either claims 1 or 10 and therefore are also not obvious over Deiss and Khan. Withdrawal of the rejection of these claims is also therefore respectfully requested.

In light of the above, Applicants submit that this application is now in condition for allowance and therefore request favorable consideration. If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants counsel, James M. Heintz at 202.799.4171.

Respectfully submitted,

DLA PIPER LLP (US)

/James M. Heintz/  
James M. Heintz  
Registration No. 41,828

Telephone No. 202.799.4000  
Facsimile No. 202.799.5000